

2008 May 07 PM 04:28CLERK U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In Re:) Chapter 7 Case No. 07-15101

Robert Rodgers) Bankruptcy Judge Randolph Baxter
Christy Crank-Rodgers)
Debtors)

MOTION FOR TURNOVER OF PROPERTY OF THE ESTATE

Now comes Sheldon Stein, the Trustee herein, and represents to the court as follows:

1. This case was filed on August 21, 2007 ("Petition Date").
2. The movant is duly qualified, appointed and acting Trustee herein.
3. The debtors were entitled to receive, on the Petition Date, state and federal income tax refunds for the year 2007 in the amount of \$7,356.00, of which 64%, or \$4,707.84, is property of the estate.
4. The debtors have available exemptions in the amount of \$645.00 which can be claimed as to these funds.
5. The non-exempt, pro-rated portion of the debtors' federal and state tax refunds, funds on deposit, and cash on hand is the aggregate amount of \$4,062.84, which is property of the estate pursuant to the provisions of §541 of the Bankruptcy Code and subject to turnover pursuant to the provisions of §542 of the Bankruptcy Code.

WHEREFORE, the Trustee, Sheldon Stein, respectfully moves the court for an order requiring the debtors to turnover to him the sum of \$4,062.84 within fourteen (14) days of execution of the Order granting this motion or immediately upon receipt of the refunds, whichever occurs later.

/s/ Sheldon Stein
Sheldon Stein, Trustee (0007292)
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Service

A copy of this document was served electronically upon Virginia M. Judd, attorney for the debtors, and regular U.S. mail upon Robert Rodgers and Christy Carnk-Rodgers, 1476 E. 112th Street, Cleveland, Ohio 44106. A hearing is scheduled on the foregoing motion in courtroom #2B of the United States Bankruptcy Court, H. M. Metzenbaum U.S. Court House, 201 Superior Avenue, Cleveland, Ohio 44114, on June 10, 2008, at 9:00 a.m. to consider any written opposition to this matter which is filed and served no later than seven calendar days preceding the date scheduled for such hearing. If no opposition to this matter is filed and served within such time, the motion may be granted without a hearing.

/s/ Sheldon Stein
Sheldon Stein, Trustee